D.B. CIVIL SPECIAL APPEAL (W) No.659/2006

Suresh Kumar Saini
Vs.
State of Rajasthan & Ors.

Date of Order :: 31-01-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Kailash Chandra Sharma for the appellant.
Shri B.L. Awasthi, Addl.G.A. for the State.
Shri V.K. Saini for respondent no.4
Smt. Kaushalya Devi, respondent no.4 present in person.

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The dispute in this appeal arising from the order of the learned Single Judge dated 1.5.2006 in S.B. Civil Writ Petition no.3073/2003 relates to appointment on compassionate ground.

The appellant who is son of late Geegraj Saini from his first wife filed application for his appointment on compassionate ground on the death of his father. No order was passed on the ground that the second wife of late Geegraj Saini, namely, Kaushalya Devi had made similar claim. The learned Single Judge declined to interfere and the appellant has come in appeal.

In the facts and circumstances, the Court directed the appellant to add Kaushalya Devi as respondent no.4. Pursuant to notice, she has appeared through advocate, Shri V.K. Saini. When the case was

taken up, she appeared in person too. She was identified by the advocate. On being questioned, she stated that she has no objection to the appointment of the appellant provided the admissible death -cum- retiral dues payable on the death of Geegraj Saini are paid to her. Payment of death -cum- retiral dues is not in dispute in this appeal.

Counsel for the State submitted that in view of the stand of the Kaushalya Devi, the matter may be sent back to the Department for consideration.

We accordingly direct the District Education Officer, in-charge Elementary Education, Jaipur to consider the case of the appellant for appointment on a suitable post. Final order should be issued within one month of receipt of the copy of this order.

The order of the learned Single Judge is set aside and the appeal is disposed of.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Skant/-